



IT IS ORDERED as set forth below:

Date: September 24, 2018

Sage M. Sigler
U.S. Bankruptcy Court Judge

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

IN RE:

AMERICAN UNDERWRITING
SERVICES, LLC.,

Debtor.

CHAPTER 7

CASE NO. 18-58406

**ORDER GRANTING FINAL APPLICATION FOR COMPENSATION
FOR SMALL HERRIN, LLP AS BANKRUPTCY COUNSEL FOR
DEBTORS AND DEBTORS-IN-POSSESSION**

This matter came before the Court on September 12, 2018, on the Final Application for Compensation for Small Herrin, LLP as Bankruptcy Counsel for Debtors and Debtors-in-Possession (the “Final Application”) (Doc. No. 95) filed by Small Herrin, LLP (“Applicant”), seeking an Order approving the fees and expenses requested in the Final Application.

The Court has considered the Final Application. It appears that the Court has jurisdiction over this matter; that it is a core proceeding; that the Final Application was

served on the Chapter 7 Trustee and the United States Trustee (the “Served Parties”); that notice of the hearing on the Final Application (Doc. No. 96) has been given to the Served Parties, all scheduled creditors and other parties in interest, and all who have filed Notices of Appearance in this case as of the date of filing of the Application; that Debtor was previously authorized by an order of the Court dated June 13, 2018 to retain Applicant as a professional (Doc. No. 58); that written objections to the Application were filed by (1) the Office of the United States Trustee, (2) S. Gregory Hays, the Chapter 7 Trustee, and (3) ProSight Specialty Management Company and New York Marine and General Insurance Company (collectively the “Objections”); that the Objections have been either resolved among the parties or overruled by the Court at the hearings on (1) Debtor’s motion to retain Applicant as counsel and (2) the Final Application; that Applicant has voluntarily agreed to reduce the fees sought in the final Application by \$15,163.33, for a total amount of \$70,061.67; and the Final Application meets the standards for the compensation of professional in this case; it is hereby

ORDERED that Applicant’s fees in the sum of \$70,061.67 and reimbursement of related, necessary expenses of \$2,700.21 incurred by Applicant as counsel for the Debtor during the time period from May 18, 2018 through and including June 27, 2018, being a total amount of \$72,761.88, are hereby allowed and awarded on a final basis as Chapter 11 administrative expenses; and it is

FURTHER ORDERED that Applicant is authorized to draw down the remaining retainer held in its IOLTA account (\$53,298.00) (the “Retainer”) to pay its approved compensation and expenses; provided, however, that (a) the Retainer shall remain subject

to avoidance as a fraudulent conveyance or similar claim by either the Trustee or a party with standing to assert such claim and the authority to draw down such Retainer shall be without prejudice to such claims; (b) the Retainer shall remain subject to tracing or other claims related to claims that the Retainer constitutes trust funds which may be recovered by the Trustee or any creditor with standing to assert such claims; and (c) Applicant shall not cite this Court's authorization to draw down the Retainer as a defense or justification to any fraudulent conveyance, tracing or similar action which may be brought against Applicant to recover the Retainer.

Prepared and Presented by:

SMALL HERRIN, LLP

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